

SPECIAL MEETING

February 26, 1996

The Special Meeting of the Annapolis City Council was held on February 26, 1996 in the Council Chamber. Mayor Hopkins called the meeting to order at 7:00 p.m. Mayor Hopkins offered the invocation followed by the Pledge of Allegiance.

Present on Roll Call: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier, Snowden, Turner

Alderman Moyer arrived at 7:25 p.m. Alderman DeGraff was absent due to illness.

Staff Present: City Attorney Goetzke, Planning and Zoning Director Fogarty

Pursuant to the requirement of Maryland Annotated Code, State Government Article Section 10-509(c)(2), this statement is included in these minutes:

A closed session of the City Council was held at 6:32 p.m., Monday, February 26, 1996 in the City Attorney's Office.

Members Present: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier, Snowden, Turner, City Attorney Goetzke, and City Clerk Bembe.

By unanimous consent of the members present, the session was closed. The authority under which the session was closed was Maryland Annotated Code, State Government Article, Sections 10-508(a)(7) and (8). The purpose of the meeting was to consult with counsel to obtain legal advice and to consult with staff, consultants, or other individuals about pending or potential litigation. The following action was taken:

(1) U.S. Navel Academy Sewer Matter

The Council authorized the City Attorney to proceed as discussed in the Closed Session.

PUBLIC HEARINGS

- 1. Application of the Planning Commission to consider a zoning map amendment of annexed land for Mericare Associates Limited Partnership, et al, to zone 12.85 acres of land off Bembe Beach Road to R2, Single Family Residence District, and to designate the property as Limited Development Area under the Critical Areas program.**

Deputy Planning and Zoning Director Arason presented a background report on the application.

Mayor Hopkins accepted into the record a Memorandum to the Annapolis City Council from the Planning Commission dated 2/15/96, and a Memorandum with attachments from Eileen P. Fogarty to the City Council dated 2/26/96.

Speaking in favor of the application:

1. Anthony F. Christilf, Esquire
Attorney for Mericare Associates Limited Partnership
124 South Street
Annapolis, Md. 21401

Speaking in opposition to the application:

1. Brad Rohrer
991 Awald Drive
Annapolis, Md. 21403
2. Bill Wolgemuth
Chair, Bembe Beach Association
7051 Bay Front Drive
Annapolis, Md. 21403
3. John Kosby
7007 Bay Front Drive
Annapolis, Md. 21403
4. John Stevens
7041 Bay Front Drive
Annapolis, Md. 21403

No one else from the general public spoke in favor of or in opposition to the application.

Mayor Hopkins declared the public hearing closed with action to be taken at the March 11, 1996 meeting.

2. Application of George Phillips and Annapolis Harbour House, Inc. for a conditional use to establish a delicatessen (trading as The Food Basket) on property located at 110 Dock Street, Annapolis.

Alderman Hammond recused herself due to a possible conflict of interest.

Planning and Zoning Director Fogarty presented a background report on the application.

Planning Commission Chair Hillman presented the Commission's findings.

Mayor Hopkins accepted into the record a Memorandum with attachments from Eileen P. Fogarty to the Planning Commission dated 1/4/96.

Jonathan A. Hodgson, 23 West Street, Annapolis, attorney for the applicant, proffered the testimony of the applicant, George Phillips and engineer, Andy Cassio. Mr. Phillips answered questions addressed by the Council.

Speaking on the application:

1. Jeff Clum, officer
MKB Management Co., Inc.
9410 Annapolis Road
Suite 200
Lanham, Maryland 20706

No one else from the general public spoke in favor of or in opposition to the application.

Mayor Hopkins announced there would be a seven day comment period and a seven day reply period for this application.

Mayor Hopkins declared the public hearing closed with action to be taken at the March 11, 1996 meeting.

3. Application of PBCL Inc., for a conditional use to establish a standard restaurant/delicatessen (trading as Einstein's Bagels) on property located at 122-124 Dock Street, Annapolis.

Alderman Hammond recused herself due to a possible conflict of interest.
Alderman Tullier recused himself due to a possible conflict of interest.

Planning and Zoning Director Fogarty presented a background report on the application.

Planning Commission Chair Hillman presented the Commission's findings.

Mayor Hopkins accepted into the record a Memorandum to the Annapolis City Council from the Planning Commission dated 2/15/96, and a Memorandum with attachments from Eileen P. Fogarty to the Planning Commission dated 1/11/96.

Jonathan A. Hodgson, 23 West Street, Annapolis, attorney for the applicant, spoke briefly. Drew Murphy, Mayfair Partners, L.P., Business Owner, 4712 Drummond Avenue, Chevy Chase, Md., was also present and answered questions addressed by the Council.

Alderman Snowden left at 7:45 p.m.

Speaking in favor of the application:

1. Katherine Greer
16 Fleet Street
Annapolis, Md. 21401
Representing the Board, Ward One Residents Association
2. Nancy Gordon
8 Park Avenue
Annapolis, Md. 21403
3. Barbara Maffei
29 Thompson Street
Annapolis, Md. 21401

Speaking in opposition to the application:

1. Ricky Schwartzberg
101 Charles Street
Annapolis, Md. 21401

Speaking on the application:

1. Harry Blumenthal
170 Jennifer Road
Annapolis, Md. 21401
Representing Mr. and Mrs. Robert Campbell

No one else from the general public spoke in favor of or in opposition to the application.

Mayor Hopkins announced there would be a seven day comment period and a seven day reply period for this application.

Mayor Hopkins declared the public hearing closed with action to be taken at the March 11, 1996 meeting.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 8:30 p.m.

**Patricia L. Bembe, CMC/AAE
City Clerk**